



**NASH COUNTY PLANNING BOARD
MONDAY, JUNE 15, 2020 - 6:30 P.M.**

****** IMPORTANT NOTICE ******

This meeting of the Nash County Planning Board will be held via **CONFERENCE CALL** instead of in person due to COVID-19 and the fact that the one agenda item to be considered does not require public input.

To join the call, meeting participants should dial **252-462-2424** at **6:30 p.m.** and when prompted, enter the following access code: **123281** followed by the **#** sign.

MEETING AGENDA

1. Call to Order.

2. Determination of a Quorum.

3. Approval of the Minutes of the May 18, 2020 Regular Meeting – DELAYED.

4. Subdivision Waiver Request.

Made by Stone Auction & Realty in relation to the Major Subdivision Final Plat for Linda Foster Rich, S. J. Bartholemew Tract, Phase II to request a waiver of the additional lot width required along high traffic roads by UDO Article X, Section 10-7, Subsection 10-7.2 (F) subject to the establishment of shared driveway access easements.

5. Other Business.

A. Update on Board of Commissioners Planning Actions Taken on June 1, 2020:

Conditional Use Permit CU-200101 Amendment Request made to authorize the expansion of the previously approved East Nash PV1 solar farm to include the approximately 33.6 acre East Nash PV3 solar farm to be located at 1050 Bass Rd, Nashville, NC 27856 was **UNANIMOUSLY APPROVED**.

General Rezoning Request Z-200501 to rezone approximately 81 acres located on both sides of Stoney Hill Church Road, both sides of Chapman Road, and the east side of Juniper Road from R-40 & RA-30 to RA-20 was **DENIED (SPLIT VOTE: 5 TO 2)**.

General Rezoning Request Z-200502 to rezone approximately 66 acres located on both sides of Jordan Road from R-20 & R-20-CU to R-10 was **UNANIMOUSLY DENIED**.

B. Planning Board Member Changes:

Departing Board Member: Sandra Edwards – Term Expires: June 30, 2020.

Newly Appointed Board Member: Kimberly D. Moore – Term Begins: July 1, 2020.

C. Next Meeting:

Election of Board Officers (Chairman & Vice-Chairman) for 2020-2021.

6. Adjournment.

NASH COUNTY PLANNING BOARD
SUBDIVISION WAIVER REQUEST – STAFF REPORT

Type of Plat: Major Subdivision Final Plat with Waiver Request
Name of Plat: Linda Foster Rich, S. J. Bartholemew Tract, Phase II
Property Owner: Linda Foster Rich
Developer: Stone Auction & Realty (Tony Stone)
Land Surveyor: Civiltek East (Ted S. Hopkins)
Location: West Side of N NC Highway 58, Castalia, NC 27816
Tax ID #: PIN # 288400164643 / PARID # 335083 (2.19 Acres)
PIN # 288400165464 / PARID # 335084 (2.28 Acres)
Total Area: 4.46 Acres
Number of Lots: 4 New Residential Lots
Zoning District: A1 (Agricultural)
LDP Classification: Suburban Growth Area
Waiver Justification: Shared Driveway Access Easements

Subdivision Waiver Review Procedure:

In accordance with the Nash County Unified Development Ordinance (UDO) Article X, Section 10-8, subdivision waiver requests are reviewed by the Planning Board and may be approved by the Board of Commissioners based on one or more of the following circumstances:

- (A) Physical Hardship** – Where strict compliance with the subdivision standards of the ordinance would cause unusual and unnecessary hardship on the subdivider because of the size or topography of the tract to be subdivided, the condition or nature of adjoining areas, or the existence of other unusual physical conditions;
- (B) Equal or Better Performance** – Where, in the opinion of the Board, a waiver would result in equal or better performance in the furtherance of the purposes of the ordinance;
or
- (C) Unintentional Error** – Where through an unintentional error made by the applicant, his agent, or the reviewing staff; there is a minor violation of a subdivision standard of the ordinance, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

When considering subdivision waiver requests, the Planning Board may recommend and the Board of Commissioners may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

Description of the Subject Property:

The subject property consists of two adjacent tracts of land in the ownership of Linda Foster Rich that total 4.46 acres in area and are located on the west side of N NC Highway 58, north of Matthews Crossroads and just south of Simmons Road and the Town of Castalia, in the A1 (Agricultural) Zoning District.

These two undeveloped lots were subdivided from a larger tract of land known as the S. J. Bartholemew Tract on February 3, 2020. The subject property is located in the Tar-Pamlico River Basin. It is not located within a regulated floodplain or a designated watershed protection overlay district and does not appear to be impacted by any riparian stream buffers.

Description of the Subdivision Waiver Request:

Civiltek East, the land surveyor, has submitted a major subdivision final plat for the subject property on behalf of the property owner and Stone Auction & Realty, the prospective developer, which proposes the subdivision of the two existing lots into four new residential lots, each with direct access to the N NC Highway 58 public road right-of-way. This proposal is considered Phase II of the subdivision of the former S. J. Bartholemew Tract.

The UDO identifies N NC Highway 58 as a road "*having significant traffic mobility concerns*" due to its high volume of daily vehicle traffic exceeding 1,000 vehicles per day. While the standard minimum lot width required in the A1 (Agricultural) Zoning District is 100 feet per lot; UDO Article X, Section 10-7, Subsection 10-7.2 (F) requires that residential lots subdivided with direct vehicular access to these roads (such as proposed Lots 1-A, 1-B, 2-A, & 2-B) must include either 100 feet of additional lot width or at least 50 feet of additional lot width and up to 50,000 square feet of additional lot area. These regulations are intended to limit the proliferation of driveways and vehicular access points located along these heavily traveled roadways in order to decrease the potential for traffic accidents.

While all four proposed new lots include sufficient lot width to satisfy the standard minimum dimensional requirements of the zoning district (100 feet), none of them is wide enough to meet the additional requirements for lots located along a high traffic road.

However, the UDO also contains the following exception regarding waivers of these requirements:

"Lots may be developed that propose direct vehicular access provided that the proposed subdivision is accompanied by a written request for waiver in accordance with Section 10-8.2 demonstrating a physical hardship or equal or better performance (ex. turn lane) and is approved by the Board of Commissioners."

Therefore, the prospective developer has requested a waiver of the additional lot width required along high traffic roads for the four proposed new residential lots on the grounds that the waiver "will result in equal or better performance in the furtherance of the purposes of the ordinance" subject to the establishment of two 20-foot wide private access easements for shared joint driveways to be located along the common lot boundaries between Lots 1-A & 1-B and Lots 2-A & 2-B instead of four separate individual driveways.

The access easements will restrict the lots to just two points of vehicular access on the subject property and the establishment of a 5-foot wide non-access easement on the remaining frontage of all four lots along the N NC Highway 58 public road right-of-way will discourage the construction of additional driveways in the future.

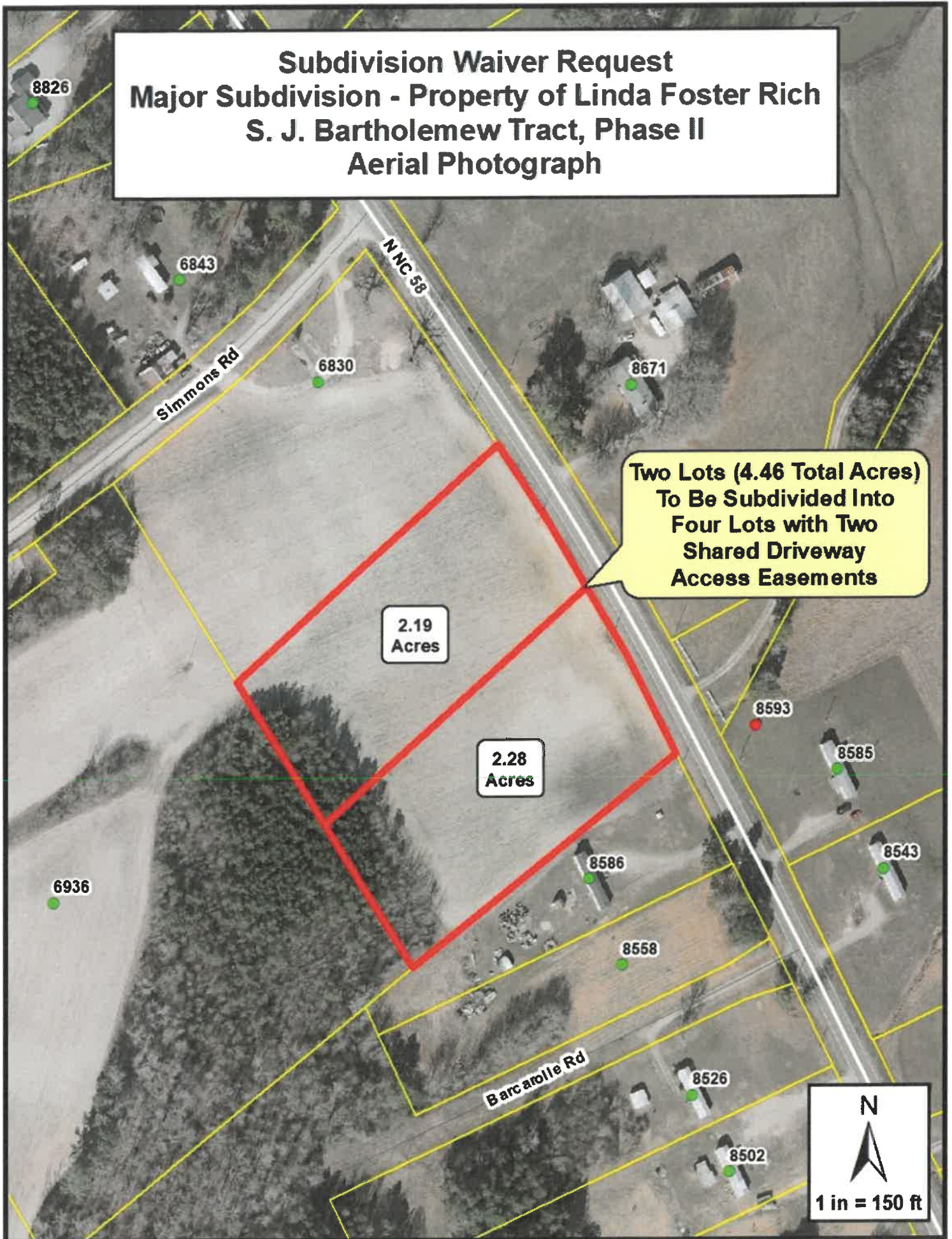
TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered the subdivision waiver request related to the Major Subdivision Final Plat for Linda Foster Rich, S. J. Bartholemew Tract, Phase II on May 29, 2020 (via email) and recommended **APPROVAL** based on its determinations that the requested waiver will result in equal or better performance in the furtherance of the purposes of the ordinance and that the proposed subdivision design is otherwise consistent with the applicable standards of the UDO.

Suggested Motion:

*I move that the Nash County Planning Board recommends **APPROVAL** or **DENIAL** (choose one) of the subdivision waiver request related to the Major Subdivision Final Plat for Linda Foster Rich, S. J. Bartholemew Tract, Phase II for consideration by the Nash County Board of Commissioners.*

**Subdivision Waiver Request
Major Subdivision - Property of Linda Foster Rich
S. J. Bartholemew Tract, Phase II
Aerial Photograph**





"NASH COUNTY PUBLIC WATER SERVICE IS AVAILABLE ALONG N NC HIGHWAY 58 AND DEVELOPMENT ON THE LOTS SHOWN HEREON MAY BE REQUIRED TO CONNECT. CONTACT NASH COUNTY PUBLIC UTILITIES AT 1-252-462-2436 FOR MORE INFORMATION."

GENERAL NOTES:

1. AREA COMPUTED BY COORDINATE METHOD.
2. NO NGSS MONUMENTS FOUND WITHIN 2000'.
3. ALL DISTANCES SHOWN ARE HORIZONTAL.

SITE DATA

PIN # 288400184643 PIN # 288400165464
PARID: 335083 PARID: 335084
CURRENT OWNER:
RICH, LINDA F.
MAILING ADDRESS:
P.O. BOX 6
CASTALIA, N.C. 27816
D.B. 969 PG. 98
P.B. 42 PG. 107
ZONING A-1
FRONT 50'
SIDE 15'
REAR 30'
LINDA RICH 1-252-908-7203

AREA COMPUTED BY COORDINATE METHOD
ALL DISTANCES SHOWN ARE HORIZONTAL
NO NGSS MONUMENT FOUND WITHIN 2000'

P.B. 28 PG. 108

LEGEND


- ISS • IRON STAKE SET
- EIS • EXISTING IRON STAKE
- PKS • PK NAIL SET
- EPK • EXISTING PK NAIL
- PP-TO POWER POLE
- R/W RIGHT OF WAY
- RRS • RAILROAD SPIKE SET
- ERR • EX-RAILROAD SPIKE
- NLS • NAIL SET
- OHE OVERHEAD ELECTRIC
- CP • COMPUTED POINT
- MON. • CONCRETE MONUMENT
- CMP CORRUGATED METAL PIPE
- PED • PHONE PEDISTAL
- EW EXISTING WELL
- WM WATER METER
- TFB TRANSFORMER BOX
- WU WOOD LINE
- OE OVERHEAD ELECTRIC
- FX FENCE

CERTIFICATE OF MINOR PLAT APPROVAL
I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC ROADS OR ANY CHANGE IN EXISTING PUBLIC ROADS, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE NASH COUNTY UNIFIED DEVELOPMENT ORDINANCE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE NASH COUNTY PLANNING DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE NASH COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

PLANNING DIRECTOR DATE

MAJOR SUBDIVISION FINAL PLAT FOR LINDA FOSTER RICH S.J. BARTHOLOMEW TRACT PHASE II

Castalia Township
Nash County North Carolina
Scale: 1"= 60'
6-10-2020

 **Civiltek East**
Surveying Planning Subdivision Design
(252) 478-5005
802 EAST NASH STREET
SPRING HOPKINS, N.C. 27582
FIRM C-2000
CIVILTEKEAST@GMAIL.COM 142762(TWO).dwg

SHEET 1 OF 2

LINE TABLE		
LINE	LENGTH	BEARING
L1	29.82	N52°44'30"E
L2	30.68	N52°44'30"E
L3	49.22	N31°08'48"W
L4	78.36	N52°44'30"E
L5	46.89	S31°08'48"E
L6	83.63	N57°06'55"E
L7	41.75	N59°49'46"E
L8	38.01	S31°08'48"E
L9	78.40	N60°33'59"E
L10	38.02	N31°08'48"W
L11	32.17	N26°34'01"W

LINE TABLE		
LINE	LENGTH	BEARING
L12	30.39	N52°44'30"E
L13	19.26	S28°02'27"E
L14	27.79	S28°38'52"E
L15	30.62	N55°49'18"E

LINE TYPE LEGEND:

- PROPERTY LINE (P/L) _____
- RIGHT OF WAY (R/W) _____
- CENTERLINE (C/L) _____
- OVERHEAD UTILITY LINE (OHL) _____
- ADJOINING PROPERTY LINE _____
- MINIMUM BUILDING LINE (MBL) _____
- EDGE OF PAVEMENT (EOP) _____
- ACCESS EASEMENT _____
- WOODLINE _____

PRELIMINARY PLAT NOT FOR SALES
RECORDATION OR CONVEYANCES

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF NASH COUNTY, AND THAT I (WE) FREELY ADOPT THIS PLAN OF SUBDIVISION. I (WE) FURTHER CERTIFY THAT THE RESIDUAL TRACT ON THIS PLAN CANNOT BE FURTHER SUBDIVIDED WITHIN TWO YEARS OF THE DATE OF RECORDATION UNLESS A SKETCH PLAN AND/OR PRELIMINARY PLAT AND FINAL PLAT ARE SUBMITTED FOR THE ENTIRE REMAINDER.

OWNER DATE

OWNER DATE

NORTH CAROLINA
NASH COUNTY

I, _____ REVIEW OFFICER OF NASH COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER
NORTH CAROLINA
NASH COUNTY
FILED FOR REGISTRATION AT _____ IN THE REGISTER
OF DEEDS OFFICE, _____ PAGE _____
RECORDED IN BOOK _____
REGISTER OF DEEDS
BY: _____

I, TED S. HOPKINS, PROFESSIONAL LAND SURVEYOR No. L-3976, CERTIFY THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.


TED S. HOPKINS, PROFESSIONAL LAND SURVEYOR No. L-3976

I, TED S. HOPKINS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1322 PAGE 524) THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 2135 PAGE 501 THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 ±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 10 DAY OF JUNE AD., 2020


TED S. HOPKINS, PROFESSIONAL LAND SURVEYOR No. L-3976

PDF Created with deskPDF PDF Writer - Trial :: <http://www.docuDesk.com>